

REMARKS

The Examiner has rejected the claims as being unpatentable over Lee et al. in view of Klitsgaard et al.

The Examiner states that Lee et al. does not disclose the appliance storing a control code in response to an instruction initiated by a remote control button (as opposed to a power-on reset).

The Examiner cites Klitsgaard et al. for "configuration memory that may be reset by either removing the battery or pressing the reset button [on the remote]".

Assuming *arguendo* that Klitsgaard et al. is analogous art, the operation itself is not analogous. The reset of Klitsgaard et al. does not perform any function with respect to the base unit itself. The Klitsgaard et al. tag simply ceases to be detected when reset. The base unit has no indication if this is because the tag is out of range, broken, shielded, run down or reset. It basically teaches that a reset can be equivalent to any of the above-cited alternatives.

The present invention provides the user with a button to change the configuration of the remote/appliance. Absent instructions otherwise, there would be no reason for a user to believe that replacement of a battery would change the operating parameters, but having a button implies it will have a function.

The user of Klitsgaard et al. would expect the effect of removing the battery to be as actually does happen, while the user of the present invention would most likely not anticipate the result. This teaches away from combining a button from Klitsgaard et al. with the device of Lee et al. to form the present invention.

Appl. No. 10/731,060
Response Dated April 23, 2007
Reply to Office action of February 20, 2007


It is respectfully submitted it would not be obvious to one skilled in the art to combine the button of Klitsgaard et al. with the device of Lee et al.

An Information Disclosure Statement, Form PTO-1449 and copies of the necessary cited references are also enclosed with this Response.

In view of the foregoing remarks, it is respectfully submitted that the application is now in condition for allowance and notification of same is requested.

If any fees are required by this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. 36314.

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